

# New Mexico Department of Game and Fish

## *POLICY*

### **Code of Conduct**

GP-101  
(Rev. 10/14/2014)

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#### **1) AUTHORITY:**

- a) NMSA Section 10-16-1, 1978, Governmental Conduct Act;
- b) NMSA Section 10-9-21, 1978, Personnel Act;
- c) NMSA Sections 10-16A-1 through 10-16A-8 NMSA, Financial Disclosure Act;
- d) NMSA Sections 10-16B-1 through 10-16B-4 NMSA, Gift Act;
- e) 1.7.6 NMAC, State Personnel Board Rules;
- f) Governor Martinez's April 25, 2011 Code of Conduct;

#### **2) POLICY:**

##### **A. Professional and Personal Conduct:**

Employees of the State of New Mexico and the Department of Game and Fish (the Department) are public servants, and as such must maintain the highest standards of conduct at all times. They are expected to conduct themselves, while on official duty, in a manner that will reflect favorably upon the State of New Mexico and the Department. Employees are required to obey all laws. Employees shall put in a full day's work for a full day of pay. Employees shall treat members of the public as valued customers, pledging cooperation and assistance when providing services.

Each Department employee is expected to maintain a positive and cooperative attitude and demonstrate professionalism in all aspects of their job to include adherence to supervisor direction, Department and Executive policy and state law. Examples of professionalism shall include attentiveness to driving habits, cell phone use, accurate and timely submission of required reports, satisfactory writing skills, vehicle and equipment maintenance/repair/cleanliness, awareness of State Game Commission issues/actions, strict adherence to chain of command and the application of a well thought out and professional approach for bringing issues, perspectives, concerns and ideas forward. Each employee shall ensure competency, efficiency and effectiveness in accomplishing job duties and will consistently be accountable for adhering to these expectations.

An employee shall not violate the provisions of Chapter 17 NMSA 1978 or any State Game Commission rule.

Each supervisor is expected to serve as a role model for their employees. Their conduct sets the standard for employees. Likewise, employees are expected to meet the standards set by their supervisors. Each employee is expected to promptly, professionally, and courteously carry out all assigned job tasks and duties, with the goal of achieving maximum job efficiency and support for the Department's mission. An employee may disagree with a course of action chosen by their supervisor, their chain of command, or

the Directorate, but they are expected to voice any concerns in a respectful, professional manner, and observe confidentiality needs at all times.

Each employee shall engage in safe working practices and maintain safe working conditions. It is the duty of the employee to report and address to the greatest extent possible unsafe work conditions. They shall work with their immediate supervisors and within their chain of command to find appropriate solutions to identified issues.

Each employee shall accomplish their work with due regard for co-workers. Personal differences among employees must not interfere or impede the operations of the Department. Spreading rumors, gossiping, disparaging other employees with personal remarks or harassment will not be tolerated. Harassment includes, but is not limited to: unsolicited remarks; gestures; physical contact; inappropriate email; display or circulation of written materials or pictures derogatory to gender, race, disability, age, sexual orientation, or religious affiliation.

The Department shall endeavor to create and maintain a safe environment for employees while on duty; and a professional demeanor towards the public and co-workers. An employee shall not commit or encourage any act of violence or threat of violence.

All Department employees shall complete mandatory classes as required by the Director and/or the Human Resources staff. Employees will be notified of the required classes and will strive to put out notification at least 30 days prior to training. This policy in no way prohibits the Director from adding or subtracting course requirements at any time through the calendar year. Other training requirements may occur for Department officers and additional requirements may be established by the Department or appropriate regulatory agencies at any time.

**A. Personal Gain:**

An employee shall not use Department equipment for personal benefit and shall not misappropriate or misuse public property or public funds.

An employee shall not use privileged or confidential information for private gain or any other purpose beyond the performance of their official duties to the Department and State of New Mexico. Additionally, each employee shall not by virtue of their employment with the Department, obtain any hunting authorization, permit, or license, or fishing or trapping privileges to which the employee then uses such privileges, authorizations, permits or licenses to lobby, influence, petition or otherwise sway any public officer or any elected official for personal gain.

An employee that has harvested any protected species managed and controlled by the New Mexico State Game Commission that requires an additional inspection or tagging of the animal by rule(s), or law(s) by a Department representative shall not tag their own animal(s). An employee shall present the animal(s) to another qualified and authorized Department representative for inspection or tagging.

**B. Financial Disclosure:**

Full disclosure of real or potential conflicts of interest shall be the guiding principle for determining appropriate conduct. If an employee or their spouse holds or acquires a financial interest in a business, property or other asset which he or she believes or has reason to believe may be affected by actions of the Department or State of New Mexico, then the employee shall disclose the precise nature and value of such interest. The disclosure shall be made in writing annually on Secretary of State prescribed forms and submitted to the Human Resource Office which shall file the forms with the Secretary of State.

Employees shall refrain from participating in any way on any issue where they have identified a financial interest or when their judgment could be influenced by the existence of conflicting interest or duties. Employees with potential conflicts of interest or financial interest shall submit the Financial Disclosure Statement to their Division Chief and the Human Resource Division before entering state employment, and during the month of January every year thereafter. Employees shall at all times comply with the Financial Disclosure Act.

**C. Outside Employment:**

Employees may engage in outside employment, provided that such outside employment does not violate the Governmental Conduct Act, the Financial Disclosure Act or the Governor's Code of Conduct or any Department policy nor impede the employee's assigned work duties or task or otherwise interfere with the employee's work schedule. An employee shall not use Department equipment, supplies, machines, vehicles or technical data for outside employment. An employee shall place the responsibility and obligations of their job with the Department first.

An employee shall disclose in writing, annually by January 31 or at the time of outside employment, to the employee's supervisor all employment engaged in by the employee other than his or her employment with or service to the Department. An employee who does have outside employment shall submit a memorandum, using Department letterhead, describing the outside employment including: name of the business or firm, its mailing and physical addresses, a telephone number, the nature of its business, and the hours and days at such employment which the employee works.

The Department will then make a determination if such outside employment serves as a conflict of interest with the mission, goals, or objectives of the Department or otherwise with the duties, terms or conditions for which the Department hired the employee. If the Department determines that a conflict of interest exists, or that the employee's outside employment detracts from the employee's duty to the Department, or is otherwise in conflict with the Governmental Conduct Act, other state statute, state personnel rule, or Department policy, then the Department will inform the employee in writing of this conflict. The Department will adhere to the Governmental Conduct Act for a resolution to identified conflicts.

**D. Gifts:**

An employee, their spouse or dependent children shall not accept gifts, favors, services or promises of future employment which could possibly relate to or influence the

performance of the employee's duties and responsibilities on behalf of the Department and/or the State of New Mexico.

Employees and their family members shall not request or receive an honorarium for a speech or service rendered that relates to the performance of public duties. An honorarium does not include reasonable reimbursement for meals, lodging, or actual travel expenses incurred in making the speech or rendering the service. Employees shall at all times comply with the Gift Act.

**E. Political Activities:**

State Personnel Board rules prohibit classified employees from engaging in certain political activities, including but not limited to: holding political office, soliciting or handling political contributions, distributing campaign literature, and soliciting political support for a party faction or candidate while on duty with the State. Employees shall comply with State Personnel Board rules regarding political activities.

**F. Substance Abuse:**

An employee shall not use or possess alcohol or illegal drugs in the workplace. An employee shall not be under the influence of any substance that causes impairment while on duty. Any employee who, while on duty, possess drugs or any controlled substance without a valid prescription or as otherwise authorized by law or is a Department law enforcement officer in the furtherance of their official duties, are subject to disciplinary action, up to and including dismissal. Any employee who is taking any medication that affects their ability to perform their duties shall immediately notify their supervisor in writing.

In accordance with SPB Rule 1.7.8.11 NMAC, an employee shall be required to undergo drug and/or alcohol testing if the Department has a reasonable suspicion that the employee has committed drug or alcohol abuse based on, but not limited to: 1) direct observation of the physical symptoms or manifestations of being under the influence of a drug or alcohol while on duty such as liquor on breath, slurred speech, unsteady walk or impaired coordination; or 2) direct observation of the use or possession of alcohol, drugs, or drug paraphernalia.

A supervisor must secure the approval of the next level supervisor before an employee is required to submit to reasonable suspicion of drug and/or alcohol testing unless the requesting supervisor is the Director.

Drug and alcohol testing shall be performed in accordance with State Personnel Board rules.

**G. False Claims Against the State of New Mexico:**

Severe penalties are provided by the State Criminal Code for willfully making or presenting a false, fictitious or fraudulent claim for the purpose of swindling or defrauding the State of New Mexico. False statements regarding travel time, per diem,

work completed, work time or amounts submitted for reimbursement will not be tolerated and will be prosecuted to the fullest extent of the law.

**H. Arrest:**

Any employee that is arrested shall immediately inform their supervisor of the arrest. The supervisor shall report the known circumstances to the Division Chief.

The Division Chief shall contact their Assistant Director detailing the information, facts and statements associated with the case.

**I. Use of Department Vehicles:**

Each employee shall abide by all traffic rules while operating any Department vehicle.

Each employee shall promptly report to their immediate supervisor all details of any accidents that he or she was involved in while driving a state vehicle and any citations received while in a state vehicle.

Each employee who is an authorized driver of a Department vehicle shall immediately report in writing to their immediate supervisor if their license has expired, or been suspended or revoked.

An employee shall not place or carry alcohol or drugs, except legally obtained prescription drugs in a Department vehicle unless the employee is a Department law enforcement officer in the furtherance of investigating criminal activities.

An employee is only allowed to transport non-employees in a Department vehicle if he or she has received specific approval from the Transportation Services Division of the General Services Department or is a Department law enforcement officer in the furtherance of their official duties.

**J. Administrative Investigations:**

An employee shall cooperate fully and honestly with any internal investigations related to the performance of their employment responsibilities or other activities impacting the Department of Game and Fish. Failure to cooperate with an administrative investigation constitutes grounds for discipline, up to and including dismissal.

**K. Administrative Conduct/Equal Opportunity:**

Employees shall not discriminate against any person in recruitment, appointment, training, promotion or any other Department position and/or function because of race, color, religion, national origin, ancestry, sex, age, mental or physical disability, sexual orientation or gender, identity or any other factor not related to job performance.

**L. Volunteer Work:**

No employee may volunteer for a Department activity that is within the scope of their assigned job duties or for which they would normally be paid. Employees shall report all hours spent working on behalf of the Department and no Supervisor shall force any employee to complete Department-associated work without compensation from the Department. If such work creates a situation such that the employee will potentially accrue overtime or compensatory time, it must be pre-approved before such work shall be completed.

**M. Nepotism:**

Employees shall not hire, promote or directly supervise another person related by blood or marriage within the third degree of relationship.

**N. Uniforms:**

Uniformed employees must adhere to the Department's Uniform Policy; when on duty and when worn, an employee's uniform will be well-kept and free from tatters, dirt or soil, tears or rips. An employee shall not present an unprofessional appearance that may otherwise cast the Department or the State in a negative light.

An employee shall not drink alcoholic beverages when the employee is in uniform or while wearing any visible article of clothing containing a Department logo, title or slogan or other mark indicating that the person is an employee of the Department or State. An employee dressed as described above shall not enter a bar, nightclub or other business, establishment or location where the principal purpose is the serving of alcohol, or other establishments where an employee's presence therein is likely to cause adverse public reaction or otherwise cast the Department or the State in a negative light, except officers on official duty.

**O. Use and Disposal of State Property:**

Generally, each employee shall only use state property for official state business. Exceptions may include employees' limited use of state phones, computers and supplies such as pens and pencils. Employees shall comply with all other policies when using department property. Employees shall not use or borrow state supplies, equipment or facilities to repair or work on their personal property, such as vehicles or for outside employment. An employee shall report to their supervisor or a higher authority any damage to, loss, or theft of Department, state or federal property, funds, or services.

All employees shall dispose of state property in accordance with Model Accounting Practices, the Procurement Code, applicable General Service Department rules, regulations, policies, and procedures, and the Department's Fixed Asset Policy. Employees shall not take or give away state property that is subject to disposal, even if the employee believes the property has no value. Employees may acquire state property disposed of by the Department at public auction.

**P. Consumption of Alcohol:**

An employee shall not, during the course of their work day, consume any amount of alcohol and then return to work for the purposes of completing their work day.

**Q. Maintenance of Department-owned property:**

An employee shall ensure that Department-owned property and equipment that they use or are assigned responsibility for is properly maintained and protected.

**R. Information Technology:**

When using State or Department-provided information technology resources, employees must abide by the standards set forth in the Governor's Code of Conduct, Rule 1.12.10 NMAC, INTERNET, INTRANET, EMAIL, AND DIGITAL NETWORK USAGE, and Rule 1.12.11.16 NMAC, INFORMATION TECHNOLOGY ENTERPRISE ARCHITECTURE, SECURITY (Password Policy).

An employee has no expectation of privacy when using State or Department-provided information technology resources. The State and the Department may monitor any and all use of these resources and may access, review, record, store, and disclose any and all information, data, files and/or emails that an employee views, accesses, copies, saves, sends, and/or receives using these resources at any time, with or without advance notice, and with or without employee consent.

**3) ADHERENCE and NON-COMPLIANCE**

Every employee is responsible for being familiar with all state statutes, rules, Department policies, executive orders issued by the Governor and directives and memoranda issued by the Directorate and at all times shall act in accordance with those provisions. Human Resources may be contacted for instructions for accessing the sources of the provisions listed above. An employee who has been found to have failed to adhere to this Code of Conduct is subject to discipline, up to and including dismissal.

**APPROVED:**



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Alexandra Sandoval, Director

10/14/14

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DATE